

U.S. District Court

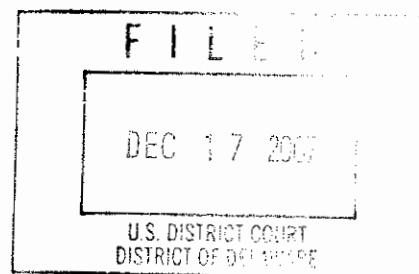
P.O. Box 18

Boggs Federal Bld.

844 King Street

Wilm. Del. 19801

1:07-cv-744 (SLR)

Elliott-v-Family Court of
the State of Delaware
12-13-07Honorable Judge Sue L. Robinson:

Now Here Comes Dennis A. Elliott, Appellant in
Elliott v Family Court, in District of Delaware.

Hereby petitions the Court for opinion of following:

Appellant ask for Court order ^{and/or} opinion be
issued upon Commissioner of Corrections, for the
State of Delaware, 245 McKee Drive, Dover, Delaware
19901. For Appellant's person to be returned to
H.R.Y.C.I. East 12th Street, Wilm. Delaware 19801, 2R #16
for the following violations of his 1st, 6th and 14th
Amendments U.S.C.A of the U.S. Constitution, by his
continued confinement at Central V.O.P. Center,
P.O. Box 5003, Smyrna, Delaware 19977-5003.

Appellant presents the following facts for
such an order ^{and/or} mandate, opinion.

1. Appellant states that since his transfer

from H.R.Y.C.I. to Central V.O.P. in ~~the~~

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Smymra, Delaware has resulted him being denied access to a law library privileges that he is intitled to by his 6th U.S.C.A. guarantees. As Appellant being Pro-Se he is intitled to the same resources as that of an attorney would, within the availability of the D.O.C. of Delaware.

A. By Appellant being denied access to a law library, this infringes upon his 1ST Amendment Rights, "Congress shall make no law...., or abridging the freedom of speech...., and to petition the Government for a redress of grievances!"

B. As reading, writing is a form of speech as outlined in our 1st Amendment. Appellant, by D.O.C. transferring his person from H.R.I.C.I. to the U.O.P. Center (Central) has denied him that right. (Reference of legal study/reading.)

C. By lack of his Communication in a law library in person, D.O.C. has also denied him opportunity "for a redress of greivances" 1ST U.S.C.A. U.S. Constitution

II Appellant states that as Pro-Se under his 6th Amend. Rights. Serving as his own

Counsel demands the resource of a law library. And any other legal documentation that the D.O.C. can afford him in a law library.

A. Appellant states, that at this, Central V.O.P

Center. There is no law library on premises.

That he cannot research documentation (legal) for his proceeding in this Court, or any future proceeding arising from his sentence.

B Appellant states that when he was at 2R#16 HRYCI, he had no problem with research of/for documentation for his legal proceedings in the Federal Court.

(1) at HRYCI, mail a request form in mail at end of one day, and receive documentation the next day. / this is not available at C-V.O.P. Center.

(2) known at this facility a law library request, has to be sent out of that building processed, then returned at an undetermined time (if any) days, weeks, ? Appellant hasn't had a response as of this date 12-13-07. 7 or legal documents.

C Appellant states that within his 6th Amend.

Rights, "In all criminal prosecutions... Pg. 3 of 7

....., to have compulsory process for....., and have the assistance of Counsel for his defence."

C1 as Appellant being Pro-Se' he states to this Court, that not having a law library here at Central V.O.P. has denied him his 6th Amend. right of assistance of Counsel. For his assistance of Counsel would be the law library as Pro-Se'

C2 Therefore the compulsory process has been stopped, by his transfer to this facility. For lack of a law library on premises.

III Fourteenth Amendment, Section 1, "No State shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States: nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny....., within its jurisdiction the equal protection of the laws

A. Appellant states to this Court, that by the D.O.C. of Delaware, transfer of his person to C-V.O.P. Has violated his 14th Amendment, by having abridged the privilege of representation afforded them a law library. Also has been

deprived a library of that use. That others (inmates) enjoyed at other facilities. As he did at H.R.I. Denies Equal Protection of the 14th Amend. U.S. Constitution.

B. By this untimely transfer without notice has violated his Equal Protection as well, by being placed at a V.O.P Center, while others enjoy these rights, privileges of the law library.

(1) This transfer has put appellant at a unacceptable disadvantage, and with all due fundamental fairness, should be afforded his 1st 6th and 14th amendment rights. By him being placed back at 2R#16 H.R.I. His original place of custody.

Appellant hopes that a ruling and/or ^{opinion} will reform. D.O.C.^s (of Del.) policy on such transfers with more discretion for inmates, without violating due process of law or Equal Protection.

IV Appellant concludes since the D.O.C. (Del.) transfer inmates all over that State. Everyday, that's there's no reason for his

person not to be transferred back to 2R #16,
HRY.CI

(1.) Prays for this Courts opinion on this Petition
As being theres no justification of reason for
this transfer at that time / date.

(2.) As records and documents show, his
application for Writ was filed on November ²⁸ ~~25~~,
2007, and that his transfer on December 05, 2007.
If there had been any correspondence between
D.O.C. and Appellant, his Constitutional Rights
might not have been violated.

(3) Appellant states that D.O.C. own policy
on classification has resulted in his Constitut-
ion Rights being violated. For had he been
informed of this classification, Appellant
could of challenged such a classification on
grounds of enclosed arguement of ongoing
Court Challenge of his sentence, his need of an
law library.
At this time appellant has learned that at

this C-U.P. Center there is no Catholic Mass available to inmates, yet the Muslims have their prayer services and Ramadance observance every year. At P.O.C. extremely out of proportion of scheduling, to accommodate their religion needs.

This is a direct violation of Appellant's 1st Amend. rights, and his 14th of Equal Protection. "How could he possibly challenge, or file suit in ~~federal~~ federal Court, without access to a law library?"

Appellant says to this Court, that these Constitutional Guarantees, "that aren't being afforded to person(s) at U.C.P. Centers, need to be received by this Honorable Court."

Appellant Humbly prays for this Court opinion on each challenge on their merits, He also states, he fully believes his Constitution Rights have been violated. And he will pursue these legal challenges in the Courts, until all avenues of reprove are exhausted.

Very Respectfully Submitted
Dennis A. Elliott

Dated: on this 13 day of
November 2007

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IM Dennis A. Elliott
SBI# 120206 UNIT 2-222
CENTRAL VIOLATION CENTER
P.O. BOX 5003
SMYRNA, DELAWARE 19977-5003

U.S.M.S.
X-RAY



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United States District Ct.
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Wilmington, Del. ~~19801-3570~~
19801-3570

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